

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**George F. Gwinn, M.D.**

Holder of License No. **25811**  
For the Practice of Allopathic Medicine

In the State of Arizona.

**Case No: MD-14-1608A**

**INTERIM FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER  
FOR SUMMARY SUSPENSION OF  
LICENSE**

**INTRODUCTION**

The above-captioned matter came on for discussion before the Arizona Medical Board ("Board") at its Summary Action meeting on December 19, 2014. After reviewing relevant information and deliberating, the Board voted to consider proceedings for a summary action against George F. Gwinn, M.D. ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License, pending formal hearings or other Board action. A.R.S. § 32-1451(D).

**INTERIM FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 25811 for the practice of allopathic medicine in the State of Arizona

3. The Board initiated case number MD-14-1608A after receiving notification from a hospital regarding Respondent's behavioral health status pursuant to A.R.S. §32-1451(A).

4. It was reported that Respondent experienced a manic episode during which time he was irritable and threatening others. Respondent was also found by the Scottsdale Police Department after being missing for two days. Respondent was found

1 waving at traffic in a disoriented state and not wearing any shirt or shoes. Respondent  
2 was subsequently involuntarily admitted a psychiatric facility, but was discharged on  
3 December 9, 2014 with recommendations to seek further psychiatric treatment.

4         5.       On December 9, 2014, Board staff attempted to contact Respondent via  
5 telephone at his home and office numbers. Board staff sent Respondent a notice of  
6 investigation and referral for a Physician Health Program ("PHP") assessment.  
7 Respondent was to call and schedule the assessment within three (3) days and complete  
8 the assessment within ten (10) days. To date, Respondent has not attempted to schedule  
9 the assessment.

10         6.       Board staff presented the above information to the Executive Director, Chief  
11 Medical Consultant and Lead Board Member and all concurred that a Practice Limitation  
12 should be offered to Respondent. An Interim Consent Agreement for Practice Limitation  
13 ("ICA") was prepared on December 11, 2014 and sent to Respondent for a signature on  
14 December 12, 2014. The signature was due by 12:00PM on Monday, December 15,  
15 2014. To date, Respondent has not returned the ICA.

16         7.       Board staff, through the Interim Acting Executive Director and in  
17 consultation with the Chief Medical Consultant, issued an Interim Order for Assessment  
18 on December 17, 2014. Respondent was to undergo an assessment with the PHP by no  
19 later than December 18, 2014 at 3:00PM. Respondent did not comply with the Order.

20         8.       Board staff has been unable to facilitate communication or cooperation with  
21 Respondent since December 9, 2014, despite several efforts to contact him by both staff  
22 and the PHP. The concern has been raised that Respondent is or may be unable to  
23 safely practice medicine.  
24  
25

**INTERIM CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent, holder of License No. 25811 for the practice of allopathic medicine in the State of Arizona.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) (“[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.”).

8           3.       The conduct and circumstances described above constitute unprofessional  
9 conduct pursuant to A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent  
0 agreement or stipulation issued or entered into by the board or its executive director under  
1 this chapter.").

2           4.       Based on the foregoing Interim Findings of Fact and Conclusions of Law, the  
3 public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-  
4 1451(D).

5 ORDER

6 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth

7 above,

8 IT IS HEREBY ORDERED THAT:

23           2.       The Interim Findings of Fact and Conclusions of Law constitute written notice  
24 to Respondent of the charges of unprofessional conduct made by the Board against him.  
25 Respondent is entitled to a formal hearing to defend these charges as expeditiously as  
possible after the issuance of this order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed otherwise by Respondent.

DATED this 19<sup>th</sup> day of December, 2014.

ARIZONA MEDICAL BOARD

By: Patricia E. McSorley  
Patricia E. McSorley  
Interim Acting Executive Director

ORIGINAL of the foregoing filed this  
19<sup>th</sup> day of December, 2014, with:

Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

Executed copy of the foregoing mailed by Certified Mail this 19<sup>th</sup> day of December, 2014, to:

George F. Gwinn, M.D.  
Address of Record

Carrie H. Smith, Esq.  
Assistant Attorney General  
1275 West Washington, CIV/LES  
Phoenix, AZ 85007

Mary Boley  
Board Staff